



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 14, 2020

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0465

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.125-POL 2 – Employee Personal Use of Social Media 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public	Sustained
# 2	5.001 Standards and Duties 10. Employees Shall Strive to be Professional	Sustained

Imposed Discipline

Written Reprimand

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Named Employee was alleged to have violated the Department social media and professionalism policies when she "liked" a social media post that diminished the killing of a demonstrator.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.125-POL 2 – Employee Personal Use of Social Media 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public

On July 4, 2020, demonstrators engaged in a protest march on a portion of Interstate 5 in downtown Seattle. During the march, a vehicle accessed the blocked off highway and struck several demonstrators. One of the demonstrators was tragically killed and another was seriously injured. That morning, an employee of the King County Sheriff's Office (KCSO) wrote the following about the incident on social media: "I see a couple of people got infected with Covid-19 from the hood of a car on I-5 last night." The KCSO employee made other posts concerning this incident and that were generally disparaging of the ongoing demonstrators and demonstrators. These posts went viral and were the subject of a misconduct complaint made to the KCSO. OPA reviewed the posts to determine whether any SPD employees commented or "liked" what the KCSO employee wrote. OPA determined that Named Employee #1 (NE#1), a civilian employee of SPD, "liked" the post. This investigation ensued.

As part of its investigation, OPA interviewed NE#1. She admitted "liking" the post. She said that, at the time she did so, she had been off from work and did not know all of the details of what had occurred. She was aware of prior



instances where demonstrators marched on the highway and were grazed by vehicles. This is what she thought happened here. She did not know that someone had died until later. She acknowledged, however, that it was unprofessional and in violation of the Department's social media policy for her to have "liked" the post, regardless of what she knew at the time. She committed to more thoughtfully considering the impact of her social media presence in the future.

SPD Policy 5.125-POL-2 concerns Department employee's personal use of social media. SPD Policy 5.125-POL-2(1) specifically provides that: "Employees shall not post speech that negatively impacts the Department's ability to serve the public." In addition, SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional at all times." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers." (SPD Policy 5.001-POL-10.)

OPA concurs with NE#1 that her "liking" of the KSCO employee's post violated both the Department's social media and professionalism policies. Her "liking" of the post functionally endorsed a comment that was disrespectful and contemptuous of a demonstrator who died. Regardless of whether NE#1 or, for that matter, the KSCO employee agreed with the views espoused by the demonstrator, it was simply improper, inconsiderate, and inconsistent of the expectations placed on NE#1 by both the Department and the community.

As such, OPA recommends that both Allegation #1 and Allegation #2 be Sustained against NE#1.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #2

5.001 Standards and Duties 10. Employees Shall Strive to be Professional

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**